

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

DISTRICT COURT  
FOURTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

vs.

Kimberly Ann Potter,

Defendant.

Case Type: Criminal  
Court File No. 27-CR-21-7460

**REQUEST FOR DISCOVERY  
PURSUANT TO RULE 9.02**

TO: The above-named defendant and defendant's counsel, Earl Gray, 1<sup>st</sup> Bank Building, 332 Minnesota Street, Ste. W1610, St. Paul, MN 55101; Paul Engh, Ste. 260, 650 South Sixth Avenue, Minneapolis, MN 55402.

YOU ARE HEREBY REQUESTED, pursuant to Minn. R. Crim. P. 9.02, subd. 1, to disclose the following in writing to the undersigned prosecuting attorneys, and (where applicable) permit the undersigned to inspect, reproduce, and photograph the following, prior to the date of the omnibus hearing herein:

1. All books, papers, documents, photographs, and tangible objects which defendant intends to introduce into evidence at trial or motion hearing, or concerning which the defendant intends to offer evidence at trial or motion hearing, and the address of all buildings or places concerning which defendant intends to offer evidence at trial or motion hearing.

2. All results or reports of physical or mental examinations, scientific tests, experiments, and comparisons made in connection with this case which defendant intends to introduce into evidence at trial or motion hearing or which were prepared by a witness whom the defendant intends to call at trial or motion hearing.

3. A written summary of the subject matter of any defense expert's testimony along with any findings, opinions or conclusions the expert will give, the basis for them and the expert's qualifications if the defense expert created no results or reports.

4. All defenses, other than that of not guilty, upon which defendant intends to rely at trial, including, but not limited to, the defenses of self-defense, entrapment, mental illness or deficiency, duress, alibi, double jeopardy, statute of limitations, collateral estoppel, defense under Minn. Stat. § 609.035, or intoxication.

5. If defendant intends to offer evidence of an alibi, the specific place or places where defendant contends to have been when the alleged offense occurred and the names and addresses of all witnesses defendant intends to call at trial in support of the alibi.

6. If defendant intends to rely on the defense of entrapment, the specific facts forming the basis for the defense and defendant's election whether to submit the defense to the court or to the jury.

7. If defendant intends to rely on the defense of mental illness or mental deficiency, notice of any intent to additionally rely on the defense of not guilty.

8. The names and addresses of all persons whom the defendant intends to call as witnesses at a motion hearing.

9. The names and addresses of all persons whom defendant intends to call as witnesses at trial.

10. Any written or recorded statements of persons defendant intends to call as witnesses at trial or motion hearing, and also statements of prosecution witnesses obtained by defendant, defense counsel, or persons participating in the defense, and all written summaries of the substance

of any oral statements made by such persons to defense counsel or persons participating in the defense or obtained by defendant at the direction of defense counsel.

11. The substance of any oral statements by persons whom the defendant intends to call as witnesses at trial or motion hearing that relate to the case made to defense counsel or persons participating in the defense.

12. All prior convictions of the defendant.

13. Pursuant to Minn. R. Crim. P. 9.03, subd. 2, you are hereby advised that this request is and does continue up to and including the time of trial.

DEMAND IS HEREBY MADE for specific written grounds for any suppression motions sufficiently in advance of the omnibus hearing to enable the state to prepare for that hearing pursuant to *State v. Needham*, 488 N.W.2d 294 (Minn. 1992).

Dated: June 24, 2021

Respectfully submitted,

KEITH ELLISON  
Attorney General  
State of Minnesota

/s/ Matthew Frank

MATTHEW FRANK  
Assistant Attorney General  
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